

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**RICHARD MILLER**

*Plaintiff,*

*v.*

**RAYTHEON COMPANY,**

*Defendant.*

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**CIV. A. NO. 3:09-cv-0440-O  
ECF**

**PLAINTIFF'S OBJECTIONS TO DEFENDANT'S FEDERAL RULE 26(a)(3)  
PRETRIAL DISCLOSURES**

TO THE HONORABLE REED O'CONNOR:

In accordance with the Court's trial setting order (Doc. No. 44), Plaintiff Richard Miller makes the following objections to Defendant Raytheon Company's Federal Rule of Civil Procedure 26(a)(3)(A) disclosures:

**1. Objections under Federal Rule 32(a) to Defendant's pretrial deposition designations**

Defendant's disclosures state that it does not intend to call any witness by deposition other than for impeachment purposes. Indeed, Defendant has not designated any deposition testimony as actual or potential trial evidence. Plaintiff will object to any subsequent designation of deposition testimony as untimely under the Court's scheduling and trial setting order. Further, Plaintiff reserves any objection(s) that he may have under Federal Rule 32(a) or to the testimony's admissibility in the event that Defendant should attempt later to designate deposition testimony for use at trial.

**2. Objections to the admissibility of documents and exhibits that Defendant intends to or may use at trial**

**(a) *Documents/Exhibits that defendant expects to offer***

	<b>Document/Exhibit</b>	<b>Identifier<sup>1</sup></b>	<b>Objection(s)</b>
1.	NCS 108923 – MGR II Supply Chain Job Requisition.	0210 - 0211	
2.	NCS107643 – MGR III Supply Chain – Soldier Weapons Systems Supply Chain Capture Manager Job Requisition.	0213 - 0214	
3.	NCS109026 – MGR III Supply Chain Job Requisition.	0215 - 0216	
4.	SAS109408 – Supply Chain Program Manager Job Requisition.	0220 - 0221	
5.	Reduction-in-Force: Questions and Answers.	0278 - 0279	FED. R. EVID. 801-802
6.	Raytheon PowerPoint entitled, “Reduction in Force Manager Training.”	0280 - 0284	FED. R. EVID. 801-802
7.	Raytheon PowerPoint entitled, “SAS Supply Chain Performance Rating Calendar & Run Rules.”	0354 - 0364	FED. R. EVID. 801-802
8.	Acknowledgment of Receipt of Layoff Notification and Benefits Signed by Miller.	0802	
9.	Raytheon PowerPoint entitled, “Manager Training RIF Selection Process.”	0932 - 0939	FED. R. EVID. 801-802
10.	NCS108923 – MGR II Supply Chain Job Requisition.	0969 - 0971	
11.	NCS109026 – MGR III Supply Chain Job Requisition.	0973 - 0975	
12.	SAS109408 – Supply Chain Program Manager Job Requisition.	0979 - 0981	
13.	NCS107643 – MGR III Supply Chain – Soldier Weapons Systems Supply Chain Capture Manager Job Requisition.	0982 - 0984	
14.	SAS108685 – Supply Chain Program Manager III Job Requisition.	0985, 0985A, & 0986	
15.	SAS108836 - Supply Chain Program Manager III Job Requisition.	0987 - 0989	

<sup>1</sup> All Bates numbers listed as identifiers, unless otherwise noted, refer to documents produced by Raytheon Company using “Raytheon/Miller” as the Bates prefix.

	<b>Document/Exhibit</b>	<b>Identifier<sup>1</sup></b>	<b>Objection(s)</b>
16.	NCS108111 – Dir I Supply Chain, Combat Systems Job Requisition.	0993 - 0998	
17.	NCS107522 – Sr. Mgr. Supply Chain Job Requisition.	1003 - 1008	
18.	SAS108585 – Director I Supply Chain - MPM Job Requisition.	1015 - 1017	
19.	SAS109408 – Supply Chain Program Manager Job Requisition.	1036 - 1039	
20.	Raytheon Internal Recruiting Center Portfolio for R. Miller.	1044	
21.	Qualifying Questions Summary of Richard Miller for NCS107522.	1045	
22.	Qualifying Questions Summary of Richard Miller for NCS107643.	1046	
23.	Qualifying Questions Summary of Richard Miller for SAS108685.	1047	FED. R. EVID. 402-403, 801-802
24.	Qualifying Questions Summary of Richard Miller for SAS108836.	1048	
25.	SAS108685 –Supply Chain Program Manager III Job Requisition.	1049 - 1054	
26.	NCS107522 – Sr. Mgr. Supply Chain Job Requisition.	1055 - 1062	
27.	Long Service Review Committee Action for R. Miller.	1124	FED. R. EVID. 801-802, 805
28.	Various Demonstrative Aids Summarizing Evidence Including Timeline.	None	Defendant has not yet disclosed the referenced demonstrative exhibits. Plaintiff reserves any objections that he may have to the content and/or use of demonstrative exhibits until such time as Defendant discloses them.

**(b) Documents/Exhibits that defendant may offer if the need arises**

	<b>Document/Exhibit</b>	<b>Identifier</b>	<b>Objection(s)</b>
29.	Texas Workforce Commission Civil Rights Division Notice of Right to File a Civil Action.	0018 and 0022	FED. R. EVID. 402-403
30.	Raytheon Profile – Experience for Miller.	0070	
31.	Raytheon Performance & Development Summary for Miller.	0184 – 0185	FED. R. EVID. 801-802, 805
32.	Raytheon Performance Screen for Miller.	0187 – 0192	

	<b>Document/Exhibit</b>	<b>Identifier</b>	<b>Objection(s)</b>
33.	Raytheon Payroll Records for Miller.	0197 - 0209	
34.	Resume of Marlando Shelley (CONFIDENTIAL).	0212	FED. R. EVID. 801-802, 901
35.	Resume of P.N. Raju, P.E., CPIM, CIRM, C.P.M., CSCP, CCM (CONFIDENTIAL).	0217 - 0219	FED. R. EVID. 801-802, 901
36.	Email Chain Between G. Meihn and J. Lam Regarding Raytheon Job Requisitions Open to Miller to Apply. (CONFIDENTIAL exhibit for the Court only to determine availability of front pay, if any).	0249 - 0250	FED. R. EVID. 801-802, 805 if offered to prove the truth of statements in the document.
37.	Raytheon Company Policy: Equal Employment Opportunity.	0289 - 0290	
38.	RIF Evaluation Worksheet for Decisional Unit: SCM Communications.	0384 - 0385	FED. R. EVID. 106
39.	RIF Evaluation Worksheet for Decisional Unit: PO Maintenance.	0386	
40.	RIF Evaluation Worksheet for Decisional Unit: SCM Operations Special Project.	0387	FED. R. EVID. 801-802 if offered to prove the performance of referenced individuals
41.	Equal Employment Opportunity Commission's Dismissal and Notice of Rights.	0811 - 0812	FED. R. EVID. 402-403
42.	SAS Key Values & Behaviors for Miller (2006) by Robert Lyells	0836	FED. R. EVID. 106, 402-403, 801-802, 901
43.	SAS Key Values & Behaviors for Miller (2006) by Mike Paquee	0837	FED. R. EVID. 106, 402-403, 801-802, 901
44.	H. Reynolds' Rebuttal Expert Report.	0939A - 0947	
45.	Resume of Karl M. Vanzant. (CONFIDENTIAL)	0990 - 0992	FED. R. EVID. 402-403, 801-802
46.	Resume of Loretta A. Sweeney. (CONFIDENTIAL)	0999 - 1002	FED. R. EVID. 402-403, 801-802
47.	Raytheon Performance & Development Summaries for Karl M. Vanzant. (CONFIDENTIAL)	1009 - 1014	FED. R. EVID. 402-403, 801-802
48.	Resume of Michael T. Rynbrandt, P.E. (CONFIDENTIAL)	1018 - 1019	
49.	Raytheon Performance Screen for Miller.	RM 585 - 590	

**3. Objections to witnesses whom Defendant intends to or may call as witnesses**

Raytheon has not yet disclosed the subject-areas about which its expected and potential witnesses will or may testify. Plaintiff's counsel deposed each of the following witnesses, whose testimony contains portions that are objectionable as irrelevant (Fed. R. Evid. 402-403), as containing hearsay (Fed. R. Evid. 801-802), and/or lacking in foundation (Fed. R. Evid. 602):

1. Robert D. Lyells (listed as "expected")
2. Allen F. Reid (listed as "expected")
3. Lisa Crump (listed as "expected")
4. Vivek Kamath (listed as "possible")
5. Amos Wilson (listed as "possible")
6. Loretta Sweeney (listed as "possible")
7. Gary LaMonte (listed as "possible")
8. James F. Lam (listed as "possible")

Plaintiff therefore reserves any objections as to the use of listed witnesses' testimony until such time as Raytheon has disclosed the topics about which an individual will or may testify.

DATED: June 15, 2010

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on June 15, 2010 he electronically submitted the foregoing document to the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case files system of the court. The electronic case files system sent a “Notice of Electronic Filing” to the following individuals, who have consented in writing to accept this Notice as service of this document by electronic means: Michael P. Maslanka, Esq., and Buena Vista Lyons, Esq., of FORD & HARRISON LLP, attorneys for Defendant Raytheon Company.

/s/ James D. Sanford

One of Plaintiff’s Counsel